

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

State of North Dakota, ex rel.)	
Wayne Stenehjem, Attorney General)	ORDER AWARDING
)	ATTORNEYS' FEES
Plaintiff,)	
)	
vs.)	
)	Case No. 1:08-cv-002
Simple.net, Inc., f/k/a Dial Up Services,)	
Inc., d/b/a Simple.net)	
)	
Defendant.)	

On March 3, 2008, the Court granted the Plaintiff's Motion for Remand and awarded costs and attorneys' fees under 28 U.S.C. § 1447(c). See Docket 16. The Court directed the State of North Dakota to submit a detailed and itemized statement of reasonable costs and attorneys' fees. The State of North Dakota submitted a statement of attorneys' fees on March 14, 2008. On March 28, 2008, Simple.net filed objections to the amount of attorneys' fees submitted by the state. See Docket 17 and 18.

North Dakota submitted an itemized statement of attorneys' fees incurred as a result of the improper and untimely removal. The state submits that 46.5 hours were spent on the removal proceedings at an hourly rate of \$150.00 per hour. See Docket 17. The State of North Dakota requests an award of \$6,975.00 in attorneys' fees.

In its response, Simple.net agrees that the legal work done on behalf of the State of North Dakota was skilled and competent, and that the hourly rate of \$150.00 is a reasonable rate for the work performed. However, Simple.net objects to the total number of hours expended. Simple.net

requests a deduction in amount of attorney time billed by the State of North Dakota of 22.1 hours, and requests that the award of attorneys' fees be reduced to a total of \$3,660.00.

It is clear from the Court's previous order that the case was remanded because it was untimely and improperly removed and that neither the facts nor the law supported removal. The Court finds no merit to Simple.net's argument that the award of attorneys' fees should be reduced because the case was remanded principally on the issue of untimeliness. The Court further finds no merit in Simple.net's requested reduction of attorneys' time. Accordingly, the Court **ADOPTS** the State of North Dakota's statement of attorneys' fees and, in its discretion, **ORDERS** that the defendant, Simple.net, Inc., reimburse the Plaintiff for attorneys' fees in the amount of \$6,975.00.

IT IS SO ORDERED.

Dated this 31st day of March, 2008.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge
United States District Court